



# Court of Session Act 1988

## 1988 CHAPTER 36

### PART III

#### ORDINARY ACTIONS

##### *Trial by jury*

#### **17 Return of verdict.**

- (1) At the end of his charge to the jury the presiding judge shall direct the jury to select someone to speak for them when returning their verdict.
- (2) The jury impanelled to try any jury action may at any time return a verdict by a majority of their members, and if the jury, after they have been enclosed for 3 hours, are unable to agree upon a verdict or to return a verdict by a majority, the presiding judge may discharge the jury without their having given a verdict and, on the jury being discharged, shall order the action to be tried by another jury.
- (3) The verdict when returned shall be declared orally by the juror selected as aforesaid in open court and taken down in writing by the clerk of court before the jury is discharged.
- (4) Where the jury in an action which concludes for damages finds a verdict for the pursuer they shall also assess the amount of the damages.
- (5) Subject to Part V of this Act, the verdict of the jury shall be final so far as relating to the facts found by them.

**Changes to legislation:**

Court of Session Act 1988, Section 17 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) added by [2024 asp 1 s. 7\(13\)](#)